

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

LARRY TARVER, JR.,

Plaintiff,

v.

TROY SHELLY, et al.,

Defendants.

Case No. 1:18-CV-00281-NCC

MEMORANDUM AND ORDER

This matter is before the Court upon review of Plaintiff's letter to the Court received November 19, 2018, which the Court will construe as a pro se complaint. The complaint is defective because it has not been drafted on the Court's form. *See* E.D. Mo. Local Rule 2.06(A). Additionally, Plaintiff must either pay the filing fee or file a motion to proceed in forma pauperis. *See* 28 U.S.C. § 1915(a).

Because Plaintiff is proceeding pro se, the Court will allow Plaintiff to file an amended complaint on the Court's form. Plaintiff has twenty-one days from the date of this Order to file an amended complaint in accordance with the specific instructions set forth here. All claims in the action must be included in one, centralized complaint form. *See* Fed. R. Civ. P. 7(a)(1), 8(a).

Any claims from the original complaint, supplements, and/or pleadings that are not included in the amended complaint will be deemed abandoned and will not be considered. *See, e.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). The allegations in the complaint must show how each and every Defendant is directly responsible for the alleged harms. If Plaintiff wishes to sue Defendants in their individual capacities, Plaintiff must specifically say so in the amended complaint. If Plaintiff

fails to sue Defendants in their individual capacities, this action may be subject to dismissal. If Plaintiff fails to file an amended complaint on the Court's form within twenty-one days and in compliance with the Court's instructions, the Court will dismiss this action without prejudice and without further notice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk is directed to mail to Plaintiff a copy of the Court's prisoner civil rights complaint form.

IT IS FURTHER ORDERED that the Clerk is directed to mail to Plaintiff a copy of the motion to proceed in forma pauperis form for prisoners.

IT IS FURTHER ORDERED that Plaintiff must file an amended complaint on the Court's form within twenty-one (21) days of the date of this Order.

IT IS FURTHER ORDERED that Plaintiff must either pay the \$400 filing fee **or** submit a motion to proceed in forma pauperis within twenty-one (21) days of the date of this Order.

IT IS FURTHER ORDERED that if Plaintiff fails to comply with this Order, the Court will dismiss this action without prejudice.

Dated this 28th day of November, 2018.

/s/ Noelle C. Collins
NOELLE C. COLLINS
UNITED STATES MAGISTRATE JUDGE